

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

September 14, 2009

**C058588 THE PEOPLE v. (Certified For Partial Publication)
DUKE AUSTIN GOODLIFFE**

The judgment is reversed insofar as it relates to defendant's sentence under section 667.6, subdivision (c) and the no visitation order as it applies to K.G. (born 1980) and J.B., and the matter is remanded for resentencing. The judgment is affirmed. in all other respects.

BLEASE, J.

We Concur: Scotland, P.J.

Butz, J.

**C059646 THE PEOPLE v. (Not For Publication)
GARY LEMONT MCINTOSH**

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Butz, J.

**C060436 THE PEOPLE v. (Not For Publication)
MICHAEL DEAN MINIX**

The judgment (order of commitment for insanity) is affirmed.

HULL, Acting P.J.

We Concur: Robie, J.

Butz, J.

C060961 THE PEOPLE v. MICHELLE EVANS (Not For Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Hull, Acting P.J.

Butz, J.

September 15, 2009

**C060033 THE PEOPLE v. (Not For Publication)
TREVOR THOMAS GAUGUSH**

The judgment is affirmed.

RAYE, J.

We Concur: Sims, Acting P.J.

Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

September 15, 2009, Continued

**C061611 THE PEOPLE v. (Not For Publication)
RICHARD LEON MATHIES**

The judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a corrected abstract of judgment, and to prepare and file corrected minutes of the sentencing hearing.

RAYE, J.

We Concur: Sims Acting P.J.
 Cantil-Sakauye, J.

September 16, 2009

There are no minutes for this date.

September 17, 2009

**C059821 THE PEOPLE v. (Not For Publication)
ALLIE RAY ELLISON**

Defendant's conviction is affirmed. The probation condition concerning defendant's presence near marijuana, narcotics and/or dangerous drugs is modified...

SCOTLAND, P.J.

We Concur: Sims, J.
 Butz, J.

**C060279 THE PEOPLE v. (Not For Publication)
JULIO ANGEL TORRES**

The judgment is modified by staying the sentence on count 1 pursuant to section 654. As so modified, the judgment is affirmed. The trial court is directed to so amend the abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Sims, J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

September 17, 2009, Continued

C060174 In re SCOTT GRAVES on Habeas Corpus. (Not For Publication)

The petition for writ of habeas corpus is granted. The Board is directed to hold a new hearing within 30 days of the finality of this decision and to find Graves suitable for parole, unless new evidence of his conduct and/or change in mental state subsequent to the 2008 parole hearing is introduced and is sufficient to support a finding that he currently poses an unreasonable risk of danger to society if released on parole.

BLEASE, J.

We Concur: Scotland, P.J.

Raye, J.

September 18, 2009

**C058114 THE PEOPLE v. (Not For Publication)
CLEMENTE SANCHEZ CARBAJAL**

The judgment is affirmed.

BUTZ, J.

We Concur: Scotland, P.J.

Sims, J.

**C060977 THE PEOPLE v. (Not For Publication)
EVAN JAMES BENEVENTO**

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting 144 actual days of presentence custody credit and to forward a certified copy of the abstract to the Department of Corrections and Rehabilitation.

SIMS, J.

We Concur: Scotland, P.J.

Butz, J.

**C061293 THE PEOPLE v. (Not For Publication)
HECTOR MANUEL SILVA, SR.**

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting 143 actual days and 70 conduct days and to forward a certified copy to the Department of Corrections and Rehabilitation.

SIMS, J.

We Concur: Scotland, P.J.

Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

September 18, 2009, Continued

- C058298 MCDANIEL, as Trustee etc. v. (Not For Publication)**
ORBEA
- C058397 ORBEA v. MCDANIEL**
In appeal No. C058298, the judgment entered January 25, 2008 (invalidating the quitclaim deed and dismissing the claims for quiet title count only, and the case is remanded to the trial court with directions to the trial court to enter a judgment quieting title to Maxine's home in Marcel. The judgment is otherwise affirmed.
In appeal No. C058397, the order granting Marcel's petition and ruling the Trust was amended, is affirmed.
As to both appeals, the parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5) .)
SIMS, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C059227 TRACY FIRST v. CITY OF TRACY; (Certified For Publication)**
WINCO FOODS
THE COURT:
For good cause it now appears that the partially published opinion in the above-captioned case filed herein on August 27, 2009, should be published in its entirety and it is so ordered.
FOR THE COURT:
SCOTLAND, P.J.
Nicholson, J.
Cantil-Sakauye, J.
- C059378 VALLEY OAKS VILLAGE HOMEOWNER'S ASSOCIATION v. LANE**
BY THE COURT:
Appellant's request to publish the opinion filed on August 25, 2009, is denied.
CANTIL-SAKAUYE, Acting P.J.
- C061350 HOWARD JARVIS TAXPAYERS ASSOCIATION et al. v. DEBRA BOWEN AS**
SECRETARY OF STATE; BRANDT et al.
BY THE COURT:
Appellants' motion to reinstate the appeal is granted. The order of August 20, 2009, dismissing the appeal is vacated, and the appeal is reinstated. Appellants' opening brief shall be served and filed on or before October 19, 2009.
Failure to comply with the conditions of this order will result in the immediate dismissal of the appeal without further warning.
SCOTLAND, P.J.